

# PROCUREMENT TRAINING

June 15, 2011

# WHY ARE WE HERE?

- ◉ A Request For Proposal (RFP) has been issued by DDS.
- ◉ You have been named to be a member of the RFP Team to rate the proposals submitted by the providers.
- ◉ To make the RFP process more open and transparent.
- ◉ To ensure that all qualified providers are evaluated fairly on the merits of their proposal.

# A TEAM PROCESS



# TRAINING TOPICS

- ◉ Procurement Definitions
- ◉ Office of Policy and Management (OPM) Requirements
- ◉ Components of an RFP
- ◉ Soliciting proposers
- ◉ Communication with the Proposer
- ◉ Screening Proposals
- ◉ Reference Verification
- ◉ Evaluating proposals
- ◉ RFP Team Recommendations
- ◉ Awarding the RFP
- ◉ Voiding the RFP Process
- ◉ RFP File
- ◉ State's ethics and confidentiality requirements.
- ◉ Freedom of Information ACT
- ◉ Provider Reviews

# WHAT IS PROCUREMENT?



- **Procurement** is the acquisition of goods and/or services. It is important that the goods/services are appropriate and that they are procured at the best possible cost to meet the needs of the purchaser in terms of quality and quantity, time, and location. Corporations and public bodies often define processes intended to promote fair and open competition for their business while minimizing exposure to fraud and collusion.

# TYPES OF PROCUREMENT

- ◉ Competitive Procurement
- ◉ Non-Competitive Procurement – Sole Source
- ◉ When an agency solicits and negotiates with only one potential contractor, the acquisition method is called a “sole source” procurement.

## REQUIREMENT OF OPM

- ⦿ A “non-competitive procurement” may also occur when an agency conducts an RFP process and receives fewer than three acceptable proposals in response.
- ⦿ The receipt of three acceptable proposals is considered the minimum threshold for a “competitive” procurement.
- ⦿ When an agency receives only one or two acceptable proposals and wishes to make a selection, the agency must submit a request to OPM for approval ***before selecting the future contractor.***



# COMPONENTS OF AN RFP

- The RFP must include the required **minimum qualifications**.
- The RFP must detail the **outline of work**.
- The RFP must detail how the proposer is to write the proposal and the **format** the budget should be submitted.
- The RFP must include the **Agency Outcomes** expected from the successful bidder.
- The RFP must include the **evaluation criteria**.
- The RFP must include a **submission deadline** minimum of 7 weeks between date of release and deadline





# SOLICITING PROPOSERS

- ◉ Written Legal Notice
- ◉ Public Announcement
- ◉ Must be advertised in the newspaper
- ◉ DAS Website



# COMMUNICATION WITH PROPOSERS

## Official Agency Contact

- ⦿ This is a state agency employee responsible for handling all communications with outside parties concerning the RFP.



# COMMUNICATION WITH PROPOSERS

## Ex Parte Communication

- The transmission of information that is not part of the public record and not generally available or shared with anyone associated with the RFP process.



# COMMUNICATION WITH PROPOSERS

- ◉ All questions from Prospective Proposers must be directed to the Official Agency Contact, who is responsible for forwarding the questions to the Team.
- ◉ Members of the RFP Team must not have direct communication with a proposer outside of the review process.
- ◉ The only acceptable communication with the proposer is during the site visit (if necessary) and the interview process.
- ◉ Under no circumstances will any member of the committee contact the provider once the members have been identified and until the RFP has been awarded.
- ◉ Any direct communication outside of the RFP process may result in the removal as a RFP Team member and/or the voiding of the RFP.

# SCREENING PROPOSALS

- ◉ A committee will be formed that comprises the RFP Team Chair (or designee) in conjunction with one or more Team members.
- ◉ The Screening Committee must conduct a preliminary review of each proposal to verify that the proposer has the minimum qualifications and the proposal meets the minimum submission requirements, as specified in the RFP.



## SCREENING PROPOSALS



**A proposal will not be accepted if:**

- ◉ The Proposer does not meet all the minimum qualifications. These usually include experience for the agency, the executive team and the President/CEO.

This is a requirement in order to ensure that only the proposals of qualified candidates are reviewed.

## SCREENING PROPOSALS

**A proposal will not be accepted if:**

- ⦿ The proposal is not submitted on time.
- ⦿ The format of proposal is not strictly followed.
- ⦿ The budget is not submitted in the format requested in the proposal.





## SCREENING PROPOSALS

- The format of the proposal and budget must be strictly followed in order to ensure that the reviewers can compare the individual parts of the proposals.

## SCREENING PROPOSALS

- The screening committee must report to the RFP Team about any proposal that does not meet the minimum submission requirements. At the request of the RFP Team, the Official Agency Contact may contact any proposer who submitted a deficient proposal and allow the proposer a specified period of time to correct *minor* deficiencies.

# SCREENING PROPOSALS

A minor deficiency is considered one of the following items:

- ⦿ Failure to submit or properly sign the following documents:
  - Proposers Authorized Representative Form
  - Agreement and Assurance Forms
  - Notification To Bidders, Parts I – V (CHRO)
  - Conflict of Interest Forms (if applicable)
  - Consulting Agreement Affidavit Forms
  - Gift and Campaign Contributions Certification Form
- ⦿ Failure to submit the following documentation:
  - Organizational Chart
  - Executive and/or key staff Resumes
  - Letters of Reference
  - Financial Statements
  - Performance Reviews

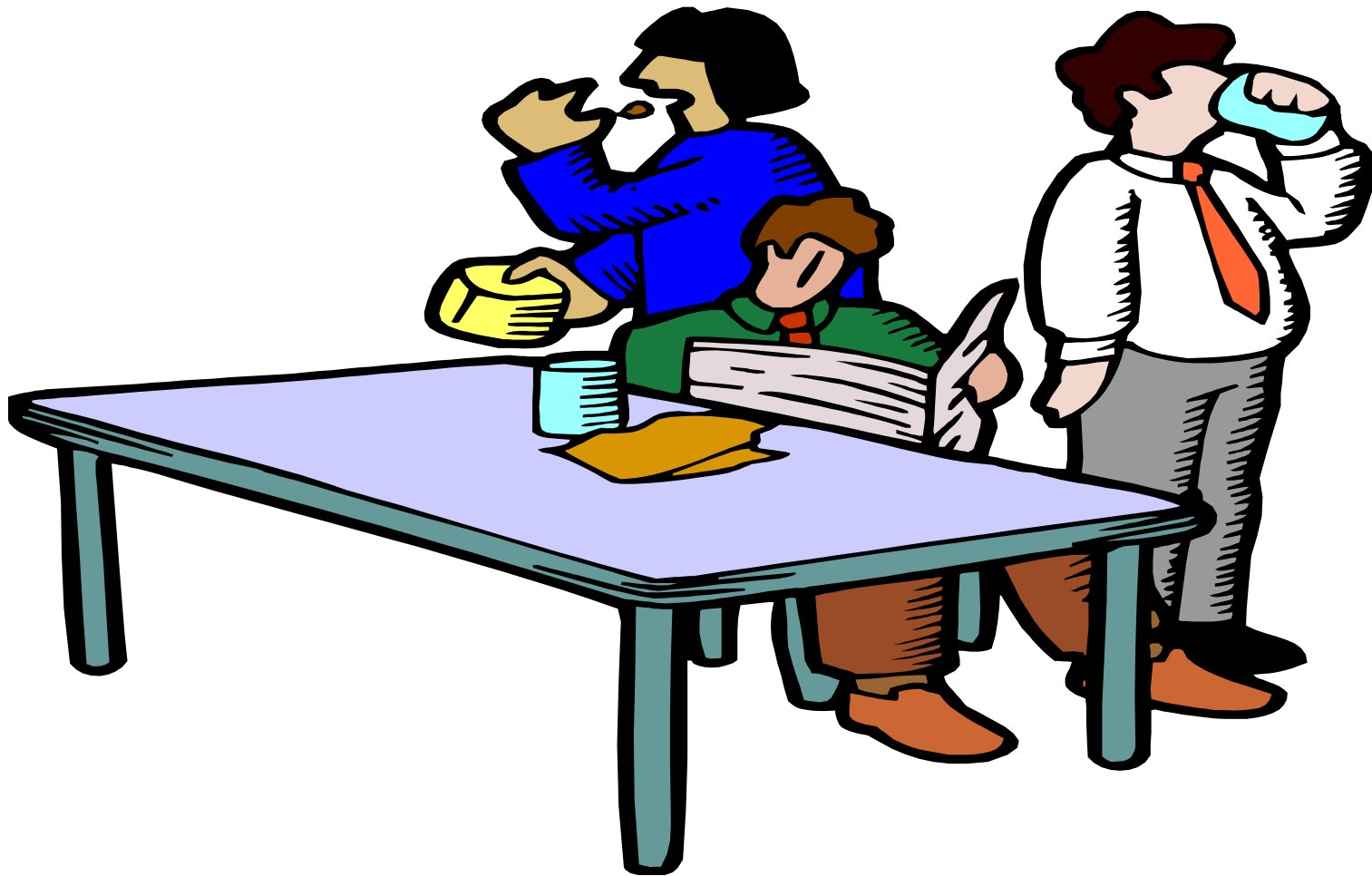
## SCREENING PROPOSALS

- ⦿ Any such correction must be submitted to the Official Agency Contact within the time allowed (e.g., 24 hours).
- ⦿ Failure to submit the necessary correction within the time allowed must disqualify a proposal from further review.
- ⦿ Other than to correct a minor deficiency (as described here), no changes shall be made to any proposal after it has been accepted for evaluation by the Screening Committee.

# REFERENCE VERIFICATION

- ⦿ The Chair must assign a Team member (or members) to check each Proposer's references.
- ⦿ The purpose is to:
  - ⦿ verify the skills
  - ⦿ verify the qualifications
  - ⦿ verify work record
  - ⦿ seek other information about the Proposer that may be of interest to the RFP Team.
- ⦿ The DDS RFP Reference Verification form must be used for checking references.
- ⦿ Once the reference checks are completed, the Team members report their findings to the Chair and other Committee members.

# 10 MINUTE BREAK



# EVALUATING PROPOSALS

RFP teams are required to follow the standard DDS Evaluation Plan. The evaluation plan includes the following steps in the review process:

- ❑ Qualifying Review Process
- ❑ Interview Process
- ❑ Final ranking of proposals
- ❑ Reporting to DDS Commissioner





# EVALUATING PROPOSALS

## Qualifying Review Process

- ⦿ The Chair will schedule a series of meeting dates based on the availability of the RFP Team members.
- ⦿ Attendance is critical to the review process.
- ⦿ The Chair will establish flexible meeting dates balancing individual schedules with the timelines established in the RFP.
- ⦿ After several attempts are made to find a mutually acceptable date, the Chair may schedule a time where the majority of members are available.
- ⦿ At the discretion of the Chair, a team member may be dismissed for attendance issues.

# EVALUATING PROPOSALS

## Qualifying Review Process

- If applicable, the RFP Team will obtain references from the responsible state agency for all proposals from providers who are not currently operating programs in Connecticut.
- The Selection Committee will obtain the last two Quality Service Reviews and/or the Semi-Annual Mid Year Regional Reviews for those providers providing services in Connecticut.
- At the discretion of the Committee, a site visit to a representative program operated by one or all of the bidders may be conducted. Site visits must be done in accordance with the two memoranda (dated July 21, 2004 and August 3, 2004) by Governor Rell.
- The results of the site visit and all reference information will be considered by the Committee during the evaluation process.

# EVALUATING PROPOSALS

## Qualifying Review Process

- ◉ Members will individually review each qualified proposal.
- ◉ Members will share initial assessments in a group discussion format and review past and current performance of the agency.
- ◉ The RFP Team may ask clarifying questions of Proposers. The purpose of such clarifying questions is to allow Proposers to further explain aspects of their proposals causing confusion or misunderstanding. The Chair should designate a Committee member to collect questions from the team, organize the questions into sets by Proposer. The RFP Team must review each answer with an eye to make sure that it clarifies – and does not alter – the original proposal.

# EVALUATING PROPOSALS

## Qualifying Review Process

- Members will individually score each proposal using the Qualifying Scoring Form.
- The members will share their scores with the team.
- A single score for each evaluation criteria will be derived for the committee.
- The chairperson will attempt to reach a consensus among the committee members.
- If consensus is unattainable, the majority opinion of the committee will prevail.
- Upon completion of all scoring, the committee may reexamine each of the proposals and adjust scores, if so desired.
- The collective score for each proposal will determine its relative rank.
- The top candidates, as determined by the scoring of the RFP Team, will be interviewed.

# EVALUATING PROPOSALS

## Qualifying Scoring Procedure

- ◉ Committee members will utilize the Proposal Evaluation Checklist to score all proposals in the qualifying process.
- ◉ Each of the criteria will be assigned a relative weight (total = 100%) based upon the type of program, special circumstances and unique priorities for the project. Absent any unique circumstances, the weighting will be as follows:

✓ Organization:	15%
✓ Agency Performance:	15%
✓ Support Strategies:	15%
✓ Preferences & Relationships:	15%
✓ Proposed Time Frames:	10%
✓ Staffing Patterns:	15%
✓ Budget/Cost effectiveness:	15%



- ◉ The total score cannot exceed 100%.
- ◉ If none of the proposals exceed a score of 60%, the committee has the option to recommend to the DDS Commissioner to void the RFP process.

# EVALUATING PROPOSALS

## Scoring Procedure



# EVALUATING PROPOSALS

## Scoring Procedure

Using the Evaluation Checklist, how would you rate these two mission statements using the guidelines written for Section A - Organization on Page 2:

1. “XYZ agency is dedicated to improving the quality of life of individuals with disabilities using a community-based, person centered approach.”
2. “ABC agency is committed to providing a level of quality care that encourages the safe and cost-effective delivery of community living services.”





# EVALUATING PROPOSALS



- ◉ **Interview Process**
- ◉ The Official Agency Contact will schedule the interviews with the top candidates.
- ◉ The committee will develop clarifying questions specific to the individual provider's proposal prior to the interview.
- ◉ Committee members may ask follow-up questions of the candidates.

# EVALUATING PROPOSALS

## Interview Scoring Procedure

- Members will individually score each category.
- The chairperson will attempt to reach a consensus among the committee members.
- If consensus is unattainable, the majority opinion of the committee will prevail.
- Upon completion of all scoring, the committee may go back and adjust scores, if so desired.
- The Selection Committee will discuss findings and prepare a recommendation to the DDS Commissioner.

# EVALUATING PROPOSALS

## Interview Scoring Procedure

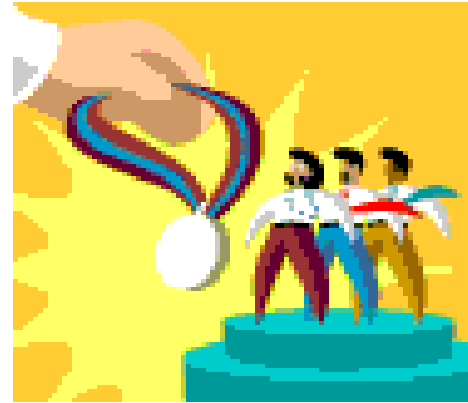
- ◉ Committee members will utilize the Interview Evaluation Checklist to score all proposals in the interview process.
- ◉ Each of the criteria will be assigned a relative weight (total= 100%) based upon the type of program, special circumstances and unique priorities for the project. Absent any unique circumstances, the weighting will be as follows:

✓ Support Strategies:	25%
✓ Preferences & Relationships:	25%
✓ Staffing Patterns:	25%
✓ Budget/Cost effectiveness:	25%
- ◉ The total score cannot exceed 100%.

# RFP TEAM RECOMMENDATIONS

- ◉ The RFP Team must report the names of the three top ranking Proposers to the DDS Commissioner.
- ◉ The RFP Team's report to the DDS Commissioner must detail the review process and the recommendations.
- ◉ A copy of the qualifying scores, selection scores, cost comparison data and any other information considered by the committee material to its recommendation should be provided to the Commissioner for review.
- ◉ The Commissioner, at his discretion, may consult with the regional designee.

# AWARDING THE RFP



After considering the recommendations in the report and/or the feedback from the DDS staff, the DDS Commissioner may:

- ◉ select the Contractor from among the three top ranking Proposers.
- ◉ reject any or all of the three top ranking Proposers.

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## VOIDING THE RFP PROCESS

- ◉ If the DDS Commissioner does not wish to select one of the top three, then no Proposer must be selected and the RFP process must be voided.
- ◉ The DDS Commissioner may also void the RFP process for other reasons, such as a lack of adequate funding or some unforeseen change in an agency's circumstances or requirements.



# RFP FILE

A file with all documentation must be kept that includes:

At a minimum, the project file must include the following documents:

- outline of work
- approvals from OPM (if required)
- list of all participants in the RFP process
- signed Ethics, Confidentiality and Conflict of Interest forms
- RFP document, including any amendments
- evaluation plan, including any amendments
- legal notice and advertising placements
- any mailing list used to distribute the legal notice
- written questions (from prospective proposers, proposers) and answers (from DDS)
- list of attendees at the RFP conference (if held)
- audio recording, transcript, notes, or minutes of RFP conference (if held)
- copies of all RFP related correspondence, including email
- all proposals received before and after the deadline
- list of proposals received after the deadline (if any)
- a report on all proposers that did not meet the minimum qualifications
- a report on all proposals that did not meet the minimum requirements
- all rating sheets used for evaluating proposals
- any forms or notes used to check references
- final ratings and ranking of proposals
- Screening Committee's recommendations to the DDS Commissioner
- documentation of the DDS Commissioner's selection or rejection of a contractor

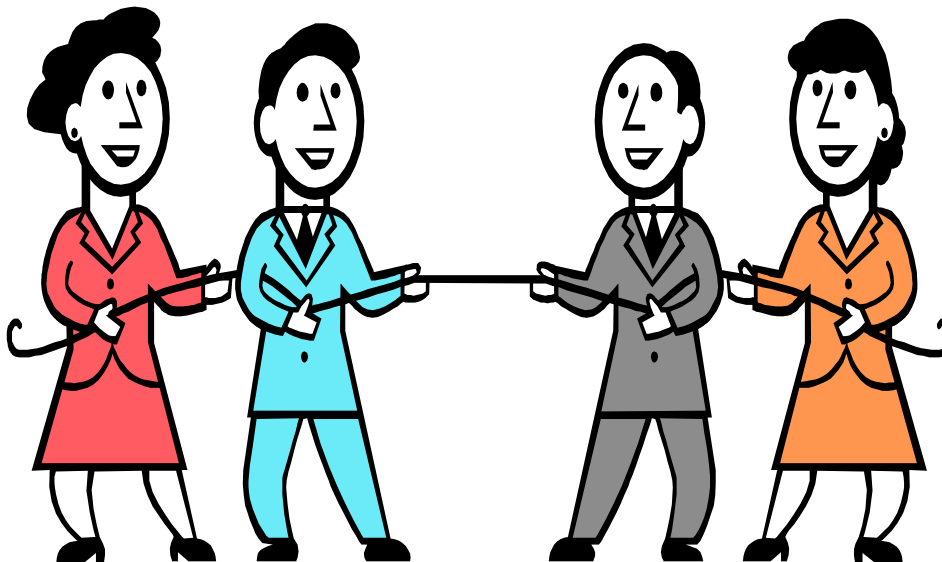
# STATE'S ETHICS AND CONFIDENTIALITY REQUIREMENTS

## ◉ Statement of Financial Interests-

Any public official or State employee having responsibility for the review, award, or monitoring of State contracts must file a *Statement of Financial Interests* form with the Office of State Ethics

# STATE'S ETHICS AND CONFIDENTIALITY REQUIREMENTS

- Agency employees must not participate in an RFP process if they have any interest that substantially conflicts with the proper discharge of their duties in the public interest (C.G.S. § 1-85).



# STATE'S ETHICS AND CONFIDENTIALITY REQUIREMENTS

## Ethics and Confidentiality Agreement

- ⦿ At the start of the agency's RFP process, all participants must sign an ethics and confidentiality agreement.
- ⦿ Any other agency employee who is privy to confidential information pertaining to the RFP must also sign an agreement.

# STATE'S ETHICS AND CONFIDENTIALITY REQUIREMENTS

- ◉ In the event that an outside individual participates in writing the RFP, writing the evaluation plan, or evaluating proposals, such an individual must also sign an ethics and confidentiality agreement.
- ◉ In signing the agreement, participants in the RFP process attest that they will abide by the standards of conduct set forth in the State's Code of Ethics and further attest that they do not have a conflict of interest with the proper discharge of their duties.

# STATE'S ETHICS AND CONFIDENTIALITY REQUIREMENTS

- The agreements must be reviewed and endorsed by the participants once the identities of the proposers are known (after opening the submitted proposals).

# STATE'S ETHICS AND CONFIDENTIALITY REQUIREMENTS

- The RFP Team members must conduct themselves in an acceptable manner during the RFP process. They must refrain from activities that give the appearance of impropriety and are contrary to the State's standard business practices.
- All State agencies and all Proposers must abide by all relevant State laws related to State contracting. Violations of the law constitute grounds for disqualification of a proposal or other sanctions, or both.

# STATE'S ETHICS AND CONFIDENTIALITY REQUIREMENTS

The following activities are prohibited:

- Offering financial donations, material goods, gratuities, gifts, or favors to the proposer or the proposer's employees;
- Offering fund-raising activities for the proposer's benefit;
- Offering unsolicited in-kind services such as offering activities, services, or sponsorships outside of the RFP subject area;
- Discussing other Proposers or proposals, or making comparisons to them with individuals outside of the RFP Team;
- Referring or alluding to political affiliations, organizations, or connections; or
- Providing endorsements or references from individuals who have no expertise or experience in the RFP's subject area (e.g., celebrities).



# COMMUNICATION WITH PROPOSERS

## **Proposer's Authorized Representatives**

- ◉ The authorized employee(s) of the contractor to communicate and discuss the merits of the proposal with the Department.

# STATE'S ETHICS AND CONFIDENTIALITY REQUIREMENTS

Illegal activities include, but are not limited to, the following:

- ◉ Bribery - C.G.S. § 53a-147
- ◉ Commercial bribery - C.G.S. § 53a-160
- ◉ Receiving a commercial bribe - C.G.S. § 53a-161
- ◉ Bid rigging - C.G.S. § 53a-161a
- ◉ Disclosure of bid or proposal - C.G.S. § 53a-161b
- ◉ Receiving kickbacks - C.G.S. § 53a-161c
- ◉ Paying a kickback - C.G.S. § 53a-161d
- ◉ Hindering prosecution - C.G.S. § 53a-165aa, 53a-166 & 53a-167



# STATE'S ETHICS AND CONFIDENTIALITY REQUIREMENTS

## Mandatory Reporting

- ◉ If a member of the RFP Team or a State agency employee uncovers or suspects any prohibited or illegal activity related to the RFP process, the activity must be reported to the Team Chairperson or the DDS Commissioner.
- ◉ If reported to the Chair, the Chair must report the activity to the DDS Commissioner.
- ◉ The DDS Commissioner - upon advice of the State agency's legal counsel, the Chief State's Attorney (Division of Criminal Justice), and the OAG must decide whether to investigate or prosecute or take other appropriate action with respect to the reported activity.

# FREEDOM OF INFORMATION ACT

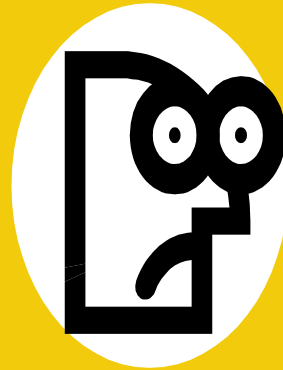
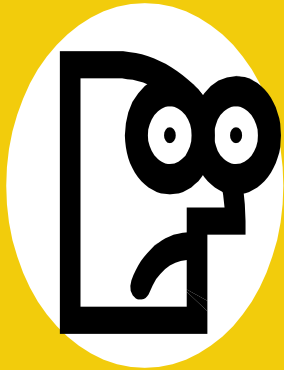
The Connecticut Freedom of Information Act (FOIA) generally requires the disclosure of documents in the possession of a State agency upon the written request of any citizen, unless some “exemptive provision” exists to allow non-disclosure.

# FREEDOM OF INFORMATION ACT

- ◉ Before its issuance, an RFP document may be able to be exempt from the FOIA using the “preliminary drafts or notes” exemption found in C.G.S. § 2-210(b)(1).
- ◉ Preliminary drafts or notes relate to advisory opinions, recommendations, and deliberations comprising part of the process by which government decisions and policies are formulated.
- ◉ This means that the RFP Team documents (ie. evaluation checklists, recommendations to the Commissioner, etc.) should be labeled “DRAFT” and treated accordingly until the issue date.
- ◉ Labeling the RFP Team documents “DRAFT” and treating it as an “advisory opinion, recommendation, and deliberation” prior to the issue date may help the document qualify under the preliminary draft or notes exemption.
- ◉ Once issued, however, the RFP Team documents will be considered a final and public document subject to the FOIA.

# PROVIDER REVIEWS

- ◉ **Provider Debrief** - Any provider that submitted a proposal may request to meet with the RFP Chair to review their qualifying score. This review is not intended to operate as an appeal process.
- ◉ **Review Process** - Any proposer may request a formal review of the competitive solicitation process used by DDS to award a POS contract. Such a review must be submitted by a proposer, in writing, to the DDS Commissioner. The proposer must set forth facts or evidence in sufficient detail for the Commissioner to determine whether the competitive solicitation process failed to comply with the State's statutes, regulations, or standards (established herein) concerning procurement.



**It's QUESTION TIME!!**